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Docket 82831/THC
Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of

Ronald S. Cok

**TOUCH SCREEN FOR USE
WITH AN OLED DISPLAY**

Serial No. 09/864,484

Filed 24 May 2001

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Group Art Unit: 2673

Examiner: Leonid Shapiro

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Carol J. Murphy
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September 4, 2003
Date

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Sir:

APPEAL BRIEF PURSUANT TO 37 C.F.R. 1.192



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APPELLANT'S BRIEF ON APPEAL

Appellants hereby appeal to the Board of Patent Appeals and Interferences from the Examiner's Final Rejection of claims 1, 5-11, and 15 which was contained in the Office Action mailed June 10, 2003.

A timely Notice of Appeal was filed August 6, 2003.

Real Party In Interest

As indicated above in the caption of the Brief, Eastman Kodak Company is the real party in interest.

Related Appeals And Interferences

No appeals or interferences are known which will directly affect or be directly affected by or have bearing on the Board's decision in the pending appeal.

Status Of The Claims

Appendix I provides a clean, double spaced copy of the claims on appeal.

Status Of Amendments

There are no outstanding amendments.

Summary Of The Invention

As claimed in claim 1, the present invention is directed to a touch screen 10 for use with an organic light emitting diode (OLED) display 49 that includes a substrate 12 having a top side and a bottom side, the OLED display 49 being located on the bottom side of the substrate; a plurality of touch screen elements 14 located on the top side of substrate 12; and a polarizing element 120, 122, 124 for reducing glare and improving contrast of the OLED display 49, wherein the polarizing element 120, 122, 124 is an integral part of the substrate 12.

Issues For Review By The Board

The following issues are presented for review by the Board of Patent Appeals and Interferences:

1. Whether claims 1 and 5-7 are patentable over Colgan et al. (US 6,483,498) in view of Wolk et al. (US 6,485,884).

2. Whether claims 8-9, and 11 are patentable over Colgan et al. and Wolk et al. as aforementioned in claims 1 and 7, in view of Quist et al. (US 2002/0044065).
3. Whether claim 10 is patentable over Colgan et al., and Wolk et al. as aforementioned in claim 1 in view of Duwaer (US 5,402,151).
4. Whether Claim 15 is patentable over Colgan et al. and Wolk et al. as aforementioned in claim 1, in view of Albro et al (US 6,403,223).

Grouping Of Claims

The claims stand or fall together.

Arguments

The Rejection

Claims 1 and 5-7 are rejected under 35 USC 103(a) as being unpatentable over Colgan et al. (US 6,483,498) in view of Wolk et al. (US 6,485,884). Claims 8-9, and 11 are rejected under 35 USC 103(a) as being unpatentable over Colgan et al. and Wolk et al. as aforementioned in claims 1 and 7, in view of Quist et al. (US 2002/0044065). Claim 10 is rejected under 35 USC 103(a) as being unpatentable over Colgan et al., and Wolk et al. as aforementioned in claim 1 in view of Duwaer (US 5,402,151). Claim 15 is rejected under 35 USC 103(a) as being unpatentable over Colgan et al. and Wolk et al. as aforementioned in claim 1, in view of Albro et al (US 6,403,223).

Colgan et al. disclose an LCD display with an integrated touch screen that includes a plate **18** that could be considered to be the equivalent of the substrate claimed by Applicant. The plate **18** includes LCD display elements on one side, and touch screen elements on the other side. The display of Colgan et al. also includes a pair of polarizers **24** and **6**. Neither of these polarizers is an integral part of the substrate as disclosed and claimed by Applicant.

If the Examiner were to argue that plate **8** of Colgan is the substrate, it should be noted that the LCD elements and the touch screen elements would then be located on the same side of the substrate, rather than on opposite sides as claimed by Applicant. Furthermore, the polarizer **6** is disclosed as being coupled to (see col. 4, line 55) the plate **8** rather than being an integral part of the substrate as claimed by Applicant.

Wolk et al. show an OLED display device with a polarizer, but the polarizer is not a part of a substrate.

Thus, even if the OLED display of Wolk et al. were to be substituted for the LCD display of Colgan et al., the resulting combination would not include a polarizing element that is an integral part of a substrate having an OLED on one side and a touch screen on the other as disclosed and claimed by Applicant.

Summary

The combination of the teachings of Wolk et al. and Colgan et al. do not result in Applicant's invention because such a combination would not result in a touch screen having a substrate with an OLED display on one side, touch screen elements on the other side, and a polarizing element that is an integral part of the substrate as disclosed and claimed by Applicant. It is believed therefore that claim 1 is patentable over Colgan et al. in view of Wolk et al. The remainder of the claims depend from claim 1 and are believed to be patentable for at least the same reasons.

Conclusion

For the above reasons, Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the rejection by the Examiner and mandate the allowance of Claims.

Respectfully submitted,



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Enclosures

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Appendix I - Claims on Appeal

1. A touch screen for use with an organic light emitting diode (OLED) display, comprising:
 - a) a substrate having a top side and a bottom , the OLED display being located on the bottom side of the substrate;
 - b) a plurality of touch screen elements located on the top side of substrate; and
 - c) a polarizing element for reducing glare and improving contrast of the OLED display, wherein the polarizing element is an integral part of the substrate.
5. The touch screen claimed in claim 1, wherein the OLED display is a top emitting display, and the substrate of the touch screen also serves as a cover sheet on the top emitting display.
6. The touch screen claimed in claim1, wherein the OLED display is a bottom emitting display having a substrate on which are deposited organic light emitting elements that emit light through the substrate of the display and the substrate of the display also serves as the substrate of the touch screen.
7. The touch screen claimed in claim 1, wherein the touch screen is a resistive wire touch screen.

8. The touch screen claimed in claim 7, wherein the resistive wire touch screen is a five-wire touch screen.

9. The touch screen claimed in claim 7, wherein the resistive wire touch screen is a four-wire touch screen.

10. The touch screen claimed in claim 1, wherein the touch screen is a surface acoustic wave touch screen.

11. The touch screen claimed in claim 1, wherein the touch screen is a capacitive touch screen.

15. The touch screen claimed in claim 1, wherein the polarizing element is a circular polarizer.